

### Remarks

This Amendment is in response to the Office Action of May 9, 2003 wherein the Examiner rejected claims 1-13, and objected to claims 14 and 15.

The Examiner first rejected claim 1 under 35 U.S.C. 103 as being unpatentable over *Mayhew* '701 in view of *Boothman* et al. '122. The Examiner next rejected claims 2 and 3 under 35 U.S.C. 103 as being unpatentable over *Mayhew* '701 in view of *Boothman* et al. '122, and further in view of *Thompson* '302.

By providing a structurally rigid grille frame, a mounting only at a bottom of the grille frame is made possible. This achieves important advantages. The upper portion of the tractor frame need not have provisions for upper fasteners. A more tapered upper profile is more easily achieved. A simplified assembly is achieved, reducing manufacturing costs. An increased impact resiliency is achieved wherein the upper portion of the grille frame has an increased flexure, given the absence of a rigid connection to the tractor frame.

Being molded from cross-linked polyethylene and being hollow, the frame is resilient but has sufficient rigidity to enable the frame to support the grille, even though the grille is mounted to the tractor frame only at the lower portion of the hollow frame.

*Mayhew* does not disclose a grille frame defined by hollow frame members. The members 10a, 10b are L-shaped, see Figures 4 and 5, and not hollow. *Mayhew* does not disclose a grille frame fastened only at the bottom. The hood in *Mayhew* is attached at the top by "conventional means not shown" see column 3, lines 52-55. In *Boothman et al.*, the grille 18 is fastened to the frame 3 via a member 17 at both lower and upper positions 24, 25 on alignment members 17, and at 21, 22 on the

frame 3. *Thompson* describes roadway barriers and also does not describe the grille as claimed.

Applicants submit that the rejection of claims 1-3 has been overcome and request withdrawal of the rejection.

The Examiner next rejected independent claims 4 and 9 under 35 U.S.C. 103 as being unpatentable over *Wakeen* '174 in view of *Storer* '773. The Examiner next rejected dependent claims 5, 6, 10 and 11 under 35 U.S.C. 103 as being unpatentable over *Wakeen* '174 in view of *Storer* '773, and further in view of *Mayhew* '701. The Examiner next rejected dependent claims 7, 8, 12 and 13 under 35 U.S.C. 103 as being unpatentable over *Wakeen* '174 in view of *Storer* '773, and further in view of *Thompson* '302.

Regarding independent claim 4, a combination of a grille, a bracket, and a grille guard is provided in a tractor having a tractor frame, which has a front portion. The grille has a grille frame fastened to the front portion of the tractor frame. The bracket projects frontwardly, through an aperture in the grille frame. The grille guard is fastened to the bracket, in front of the grille.

Regarding independent claim 9, as amended, the hollow frame is a three-sided, three-dimensional, space frame, each side of which is formed by hollow frame members.

Neither *Wakeen* '174 nor *Storer* '773 describes a grille frame wherein guard brackets penetrate through apertures through the grille frame. Neither *Wakeen* nor *Storer* describes a grille frame of hollow frame members. *Wakeen* shows a grille frame, without specifying its construction, but one of ordinary skill in the art reviewing the patent would understand that grille frame to be a steel plate frame. A bracket does not penetrate through the grille frame or through a hollow grille frame member.

*Storer* describes a grille guard for an automobile that is mounted by brackets that penetrate through a bumper 12, not through a grille frame (see Figure 1 of *Storer*).

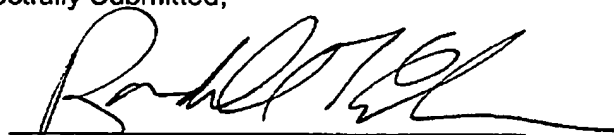
The Examiner next objected to claims 14 and 15 but indicated their allowability if rewritten in independent form to include the limitations of the base claim 1. Applicants have complied with this suggestion, with some grammatical corrections, and as such these claims should be allowable. Applicants have also added new dependent claims 16-19, which depend from claims 14 and 15, and these claims should be allowable as well.

Applicants have also added new claims 20-25 which also describe patentable invention.

Applicants submit that all claims are in condition for allowances and respectfully requests issuance of the application.

Respectfully Submitted,

By:



Randall T. Erickson  
Registration No. 33,872

Polit & Erickson, LLC  
3333 Warrenville Road, Suite 520  
Lisle, Illinois 60532  
Telephone (630) 505-1460  
Fax (630) 505-1464